

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

NATIONWIDE PROPERTY AND CASUALTY
INSURANCE COMPANY

PLAINTIFF

VERSUS

CIVIL ACTION NO. 3:06cv217-TSL-JCS

CATERPILLAR, INC., ET AL.

DEFENDANT

ORDER OF DISMISSAL

THE PARTIES having agreed to and announced to the Court a settlement of this case,
and the Court being desirous that this matter be finally closed on its docket,

IT IS, THEREFORE, ORDERED that this case is hereby DISMISSED WITH
PREJUDICE as to all parties. If any party fails to consummate this settlement within thirty (30)
days, any aggrieved party may reopen the case for enforcement of the settlement agreement
within ten (10) days; and, if successful, all additional attorneys' fees and costs from this date
shall be awarded such aggrieved party or parties against the party failing to consummate the
agreement.

This settlement agreement constitutes a global release as to all claims and as to all parties
with prejudice.

SO ORDERED, this the 19th day of December, 2006.

/s/ James C. Sumner

UNITED STATES MAGISTRATE JUDGE